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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,882	04/21/2006	Ali Jomaa	2471.0020000	5819

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EXAMINER	
JONES, MARCUS D	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
04/13/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/576,882	JOMAA ET AL.	
	Examiner	Art Unit	
	Marcus D. Jones	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 10-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed 30 December 2009 in response to the previous Non-Final Office Action (5 October 2009) is acknowledged and has been entered.

Claims 1-8 and 10-24 are currently pending.

Claim 9 is cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1-6, 10, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (Australian Patent Number 776,008) (hereinafter Ho).

In reference to claims 1, 2, 3, 22 and 24, Ho discloses according to the invention the contributor who will win the jackpot is selected by means remote from the gaming

machines ensuring that at any one time there will be only one winner (pg 3, ln 23-25). The system may also include a gaming site, which servers to interconnect additional gaming machines (pg 6, ln 28-29, The Examiner interprets the "gaming site" as the primary controller). Where the system includes gaming machine associated with a gaming site, the system controller may not have information regarding the particular gaming machine that produced the winning result. In this case, the award to the winning gaming machine is made through the gaming site, which maintains a record of bets placed on the gaming machine, and which therefore can determine which of the gaming machines placed the bet that resulted in the winning combination (pg 8, ln 15-23). According to one embodiment of the present invention, a random number generator determines a value N as a probability of a win. Based on the probability, as represented by N, a jackpot amount (trigger value) is calculated. The system receives bets from individual gaming machines, and for each such bet, calculates the total amount in a contribution pool. When a bet is received that causes the contribution pool amount to equal the jackpot amount, the jackpot is awarded. The gaming machine on which the bet that caused the contribution pool amount to equal the jackpot amount receives the jackpot (pg 5, ln 24-31).

In reference to claims 4, 5, and 6, Ho discloses that jackpot parameters in connection with this embodiment of the invention may include the range of numbers from which a value N may be selected, and a percentage amount of each bet placed on a gaming machine that is added to the contribution pool (pg 7, ln 3-6). For example, the contribution rate may be set at 10% (pg 7, ln 12).

In reference to claims 10 and 23, Ho discloses that an advantage of the invention is that it allows for delivery of random jackpots to multiple gaming machines within one site or multiple machines at multiple sites (pg 10, ln 19-21).

In reference to claim 21, Ho discloses that the controller and random number generator are contained in a personal computer and are driven by a computer program (pg 6, ln 7-10).

1. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho, and further in view of Karmarkar (US 6,508,709).

In reference to claim 7, Ho discloses the invention substantially as claimed except for a wide area network having a bandwidth of less than or equal to 10,000 bits per second. Karmarkar teaches a gaming network that communicates over a wide area network at a bandwidth of 10kps (col 2, ln 26-29).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Ho in view of Karmarkar to have a gaming network able to operate at a certain data rate to ensure efficient communication between casino sites so that in a progressive game, a winner is quickly announced to all gaming machines.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho, and further in view of Giobbi (US PGPub 2003/0045354).

In reference to claim 8, Ho discloses the invention substantially as claimed except for a local area network having a bandwidth approximately equal to 10 mega bits

per second. Giobbi teaches using a local area network with data transfer rates of 10, 100, and 1000 mega bits per second (pg 3, par 24).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Ho in view of Giobbi to have a local gaming network that is able to operate at a certain data rate to ensure efficient communication within a casino site that that in a progressive game, a winner is quickly announced to all gaming machines.

3. Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho, and further in view of Schneider (US PGPub 2003/0092484).

In reference to claims 11, 12, and 13, Ho discloses the invention substantially as claimed except for communication a respective auxiliary controller identifier from each auxiliary controller to the primary controller. Schneider teaches that the master server is configured with a list of all slave servers participating in the promotion. Schneider further teaches that each slave server is also configured with which EGMs (game terminals) are linked to a particular bonus pool (pg 2, par 19-20).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Ho in view of Schneider to identify the specific server that has won the pool when multiple gaming sites participate in the progressive game to quickly identify a winning machine when a jackpot is hit.

In reference to claims 14, 15, and 16, Ho and Schneider disclose the invention substantially as claimed. Schneider further teaches a “heartbeat” message that is sent

to the EGMs approximately every five seconds that causes the EGMs to update the value of their contributions to the master server (pg 2, par 21).

In reference to claims 17 and 18, Ho and Schneider disclose the invention substantially as claimed. Schneider further teaches that the master server sends win messages to slave servers who then identify the winning EGM that is then communicated back to the master server (pg 3, par 26).

In reference to claims 19 and 20, Ho and Schneider disclose the invention substantially as claimed. Schneider further teaches that it selects the next half-second of updated play to choose a winning EGM (pg 2, par 26).

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/
Examiner, Art Unit 3714

/John M Hotaling II/
Primary Examiner, Art Unit 3714